



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

February 13, 2024

**By ECF**

Honorable Anne M. Nardacci  
United States District Judge  
James T. Foley U.S. Courthouse  
445 Broadway  
Albany, NY 12207

Re: *Variscite NY Four, et al. v. New York State Cannabis Control Board, et al.*  
1:23-CV-1599 (AMN)(CFH)

Dear Judge Nardacci:

This Office represents Defendants New York State Cannabis Control Board, New York State Office of Cannabis Management (“OCM” or the “Office”), Tremaine Wright, and Chris Alexander (collectively “Defendants”). On January 16, 2024, Defendants filed a motion to dismiss. ECF No. 30. Plaintiffs’ opposition was due on February 6, 2024. Plaintiffs did not file such opposition, or seek an extension of time to do so. Accordingly, Defendants respectfully request that their unopposed motion to dismiss be granted for all the reasons set forth in their previous submissions.

Respectfully submitted,

**s/ Ryan W. Hickey**

Ryan W. Hickey  
Assistant Attorney General  
(518) 776-2616  
Ryan.Hickey@ag.ny.gov

cc: All counsel of record (via ECF)